

**EXPLANATORY MEMORANDUM TO**

**THE HEALTH PROTECTION (CORONAVIRUS, RESTRICTIONS ON GATHERINGS) (NORTH OF ENGLAND) (AMENDMENT) REGULATIONS 2020**

**2020 No. 846**

**1. Introduction**

- 1.1 This explanatory memorandum has been prepared by the Department of Health and Social Care and is laid before Parliament by Command of Her Majesty.
- 1.2 This memorandum contains information for the Joint Committee on Statutory Instruments.

**2. Purpose of the instrument**

- 2.1 This instrument makes provision for the purpose of amending the protected area as defined in regulation 2(1) of the Health Protection (Coronavirus, Restrictions on Gatherings) (North of England) Regulations 2020 (S.I. 2020/828) (“the North of England Regulations”), which provided for a number of public health measures to be taken to reduce the public health risks posed by the spread of severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2), in parts of the North of England, which causes the disease COVID-19.

**3. Matters of special interest to Parliament**

*Matters of special interest to the Joint Committee on Statutory Instruments*

- 3.1 The instrument is made under the emergency procedure set out in section 45R of the Public Health (Control of Disease) Act 1984 (c. 22). These Regulations are made without a draft having been laid and approved by a resolution of each House of Parliament. It is the opinion of the Secretary of State that, by reason of urgency, it is necessary to make these Regulations without a draft being so laid and approved so that public health measures can be taken in response to the serious and imminent threat to public health which is posed by the incidence and spread of severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2). The Regulations will come into force on 8 August 2020 and will be published on [www.legislation.gov.uk](http://www.legislation.gov.uk) on 7 August 2020. The Regulations cease to have effect at the end of the period of 28 days (not included days in recess) beginning with the day on which the instrument is made unless, during that period, the instrument is approved by a resolution of each House of Parliament. Further, the North of England Regulations provide that they expire at the end of the period of six months beginning with the day on which they came into force.

*Matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business (English Votes for English Laws)*

- 3.2 The entire instrument applies to England only.

**4. Extent and Territorial Application**

- 4.1 The territorial extent of this instrument is England and Wales.
- 4.2 The territorial application of this instrument is England.

## **5. European Convention on Human Rights**

- 5.1 The Minister of State for Care, Helen Whately MP, has made the following statement regarding Human Rights:

“In my view the provisions of the Health Protection (Coronavirus, Restrictions on Gatherings) (North of England) (Amendment) Regulations 2020 are compatible with the Convention rights.”

## **6. Legislative Context**

- 6.1 The Public Health (Control of Disease) Act 1984 (“the 1984 Act”) and regulations made under it provide a legislative framework for health protection in England and Wales.
- 6.2 Part 2A of the 1984 Act, as inserted by the Health and Social Care Act 2008 (“the 2008 Act”), provides a legal basis to protect the public from threats arising from infectious disease or contamination from chemicals or radiation, and includes powers to impose restrictions or requirements on people, and in relation to things and premises. Overall, the amended 1984 Act sets out a framework for health protection which requires much of the detailed provisions to be delivered through regulations.
- 6.3 Section 45C of the 1984 Act provides a power for the appropriate Minister to make regulations to prevent, protect against, control or provide a public health response to the incidence or spread of infection or contamination in England and Wales. The threat can come from inside or outside England and Wales.
- 6.4 A number of regulations under section 45C have been made, including regulations relating to COVID-19, such as the Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020 (S.I. 2020/684) (the “England Regulations”), the Health Protection (Coronavirus, Restrictions) (Leicester) No. 2 Regulations 2020 (S.I. 2020/824) (the “Leicester Regulations”) the Health Protection (Coronavirus, Restrictions) (Blackburn with Darwen and Bradford) Regulations 2020 (S.I. 2020/822) (the “Blackburn with Darwen and Bradford Regulations”) and the Health Protection (Coronavirus, Restrictions on Gatherings) (North of England) Regulations 2020 (S.I 2020/828).
- 6.5 This instrument is made under section 45C of the 1984 Act to enable a number of public health measures to be taken for the purpose of reducing the public health risks posed by the incidence and spread of severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2).
- 6.6 These Regulations amend the Health Protection (Coronavirus, Restrictions on Gatherings) (North of England) Regulations 2020 to include the area of Preston City Council in the protected area for the purposes of Part 2 of those Regulations.

## **7. Policy background**

### *What is being done and why?*

- 7.1 On 21 March 2020, the government took legislative measures with the making of the Health Protection (Coronavirus, Business Closure) Regulations 2020 (S.I. 2020/327). This decision sought to prevent the community transmission of disease, Severe acute respiratory coronavirus 2 (SARS-CoV-2). In order to limit the further spread of the disease, further restrictions came into force at 1pm on 26 March 2020 through The Health Protection (Coronavirus, Restrictions) (England) Regulations 2020, prohibiting

people from leaving the place they live except for very limited purposes and banning public gatherings of more than two people. These Regulations were then amended several times (22 April, 12 May, 1 June, 15 June) to enable relaxation of certain public health measures to reopen garden centres and non-essential retail, and to relax certain restrictions on stay at home measures, gatherings, and overnight stays.

- 7.2 As part of Step 3 of the Government's recovery strategy for the COVID-19 pandemic, the Government announced the opening of the hospitality sector and further relaxations on gatherings from 4 July through the Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations. These Regulations have since been amended twice (11 July, 24 July) to enable the reopening of close contact services, and swimming pools, gyms and indoor sports facilities.
- 7.3 Having considered a range of evidence related to the prevalence and transmission of the virus in Preston the Secretary of State considers it necessary and proportionate for the restrictions which apply in the North of England Regulations to now provide to the area of Preston City Council.
- 7.4 Alongside the Regulations, Government guidance was given to those living in or visiting the protected area, advising against gatherings at indoor public places. Guidance was also issued to businesses to not facilitate such gatherings. Care homes were also advised to only allow visits in exceptional circumstances. Though no restrictions were placed on travel, the Government advised people to not travel with other households as it does elsewhere in England.

## **8. European Union (Withdrawal) Act/Withdrawal of the United Kingdom from the European Union**

- 8.1 This instrument does not relate to withdrawal from the European Union / trigger the statement requirements under the European Union (Withdrawal) Act.

## **9. Consolidation**

- 9.1 Not applicable.

## **10. Consultation outcome**

- 10.1 There has been no public consultation in relation to this instrument.

## **11. Guidance**

- 11.1 The Government has published guidance in relation to COVID-19 at [www.gov.uk/coronavirus](http://www.gov.uk/coronavirus) and this guidance will include information in relation to restrictions on gatherings in parts of the North of England under these regulations.

## **12. Impact**

- 12.1 The North of England Regulations as amended by this instrument is a temporary provision as part of the Government's response to COVID-19, lasting only six months. As this instrument will cease to have effect after less than 12 months, a Regulatory Impact Assessment is not required and would be disproportionate.

## **13. Regulating small business**

- 13.1 The legislation does not apply to activities that are undertaken by small businesses.

**14. Monitoring & review**

- 14.1 The North of England Regulations, which this instrument amends instrument includes a statutory review clause.
- 14.2 The North of England Regulations, which this instrument amends, cease to have effect at the end of the period of six months beginning on the day on which they came into force.
- 14.3 Prior to its expiry, the Secretary of State must review the need for restrictions and requirements imposed by these Regulations every 14 days. The first review will be carried out by 19th August 2020.

**15. Contact**

- 15.1 [Lynne.Henderson@dhsc.gov.uk](mailto:Lynne.Henderson@dhsc.gov.uk) can be contacted with any queries regarding the instrument.
- 15.2 Paul McCloghrie, Director at the Department of Health and Social Care ([Paul.Mccloghrie@dhsc.gov.uk](mailto:Paul.Mccloghrie@dhsc.gov.uk)) can confirm that this Explanatory Memorandum meets the required standard.
- 15.3 Helen Whately MP, Minister of State (Minister for Care) at the Department of Health and Social Care can confirm that this Explanatory Memorandum meets the required standard.